



VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 18-019

AN ORDINANCE TO APPROVE THE REZONING OF 3.063 ACRES OF LAND FROM B-3 GENERAL BUSINESS TO INT INSTITUTIONAL; LOCATED ON THE SOUTHEAST CORNER OF COUNTY ROAD J AND RINGLE AVENUE, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.

WHEREAS, the Plan Commission of the Village of Weston having held a public hearing on the 9th day of July, 2018, on the application described below for the zoning of the property described herein; and

WHEREAS, the Plan Commission having thereafter filed its written recommendations and findings with the Village Board, and the said Board having received and approved the recommendation of said Committee;

NOW THEREFORE, the Village Board of the Village of Weston do ordain as follows:

SECTION 1: On the application (REZN-6-18-1696) of property owner, Highland Community Church, 1005 North 28th Avenue, Wausau, WI 54401, for the following territory now comprising a part of the B-3 General Business zoning district, located in Section 24, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin, is hereby designated to be and become hereafter part of the following zoning district:

INT Institutional - described as Lot 2 of Certified Survey Map No. 16134 as filed with the Office of the Register of Deeds of Marathon County, Wisconsin, in Volume 74 of Surveys on Page 88 as Document No. 1603397; being part of the southeast quarter of the northwest quarter of Section 24, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.

BE IT FURTHER RESOLVED that the foregoing amendment to the zoning district designations shall take effect only upon the combination with the adjacent parcel to the north, identified by PIN 19228082420964 and the publication of this ordinance. If the rezoning of any lands by this Ordinance does not take effect within 180 days of the date hereof, this Ordinance shall become null and void and the zoning for such lands shall remain unchanged.

SECTION 2: The Clerk shall make necessary alterations upon the official map of the Village of Weston to reflect the changes in the zoning classifications of the property described herein.

SECTION 3: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid.

Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the 16th day of July, 2018.

BOARD OF TRUSTEES

By: Barbara Ermeling
Barbara Ermeling, its President

Attest:

Sherry Weinkauff
Sherry Weinkauff, its Clerk

APPROVED: 7-16-18

PUBLISHED: 7-19-18

Notice of Newly Enacted Ordinances

Please take notice that the Village Board of Weston, Wisconsin enacted the following ordinances on July 16, 2018:

1. Ordinance No. 18-016: An Ordinance Amending Section 82, Article III. Bicycles.
2. Ordinance No. 18-017: An Ordinance Creating Article V. All-Terrain Vehicle and Utility Terrain Vehicle Routes and Operation on Highways and Roads Within the Village of Weston, Sections 82.500 to 82.508 and Renumbering Article V. Speed Limits, Section 82.500, Changing it to Article VI, Section 82.600 of the Municipal Code for the Village of Weston, Marathon County, Wisconsin.
3. Ordinance No. 18-018: An Ordinance to Approve the Rezoning of 1.194 Acres of Land from B-3 General Business to GI General Industrial; Located West of the Intersection of Schofield Avenue and Enterprise Way, South of Schofield Avenue, Village of Weston, Marathon County, Wisconsin.
4. Ordinance No. 18-019: An Ordinance to Approve the Rezoning of 3.063 Acres of Land From B-3 General Business to INT Institutional; Located on the Southeast Corner of County Road J and Ringle Avenue, Village of Weston, Marathon County, Wisconsin.
5. Ordinance No. 18-020: Village of Weston, Marathon County, Wisconsin an Ordinance Amending Article I and II, Fire Prevention and Protection and Code References of The Municipal Code for the Village of Weston, Marathon County, Wisconsin.

The full text of the newly enacted Ordinances may be obtained at the office of the Village Clerk, 5500 Schofield Avenue, Weston, Wisconsin or through the Village's website at <http://www.westonwi.gov/499/Adopted-Ordinances>.

Dated this 17th day of July 2018
Sherry Weinkauff, Village Clerk

Published: 7/19/2018

CONFIRMATION



435 E. Walnut
Green Bay, WI 54301
(888)774-7744

VILLAGE OF WESTON
5500 SCHOFIELD AVE
WESTON WI 54476-4333

Account	AD#	Net Amount	Tax Amount	Total Amount	Payment Method	Payment Amount	Amount Due
GWM-1081606	0003042422	\$34.43	\$0.00	\$34.43	Credit Card	\$0.00	\$34.43

Sales Rep: sbeaton Order Taker: sbeaton Order Created 07/18/2018

Product	# Ins	Start Date	End Date
GWM-WDH-Wausau Daily Herald	1	07/19/2018	07/19/2018
GWM-WDHW-Wausau Daily Herald Digital	28	07/19/2018	08/15/2018

* ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION

Text of Ad: 07/18/2018

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3. Ordinance No. 18-018: An Ordinance to Approve the Rezoning of 1.194 Acres of Land from B-3 General Business to G1 General Industrial; Located West of the Intersection of Schofield Avenue and Enterprise Way, South of Schofield Avenue, Village of Weston, Marathon County, Wisconsin.

4. Ordinance No. 18-019: An Ordinance to Approve the Rezoning of 3.053 Acres of Land From B-3 General Business to INT Institutional; Located on the Southeast Corner of County Road J and Ringle Avenue, Village of Weston, Marathon County, Wisconsin.

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Dated this 17th day of July 2018
Sherry Weinkauff, Village Clerk

Run: July 19 WNAXLP

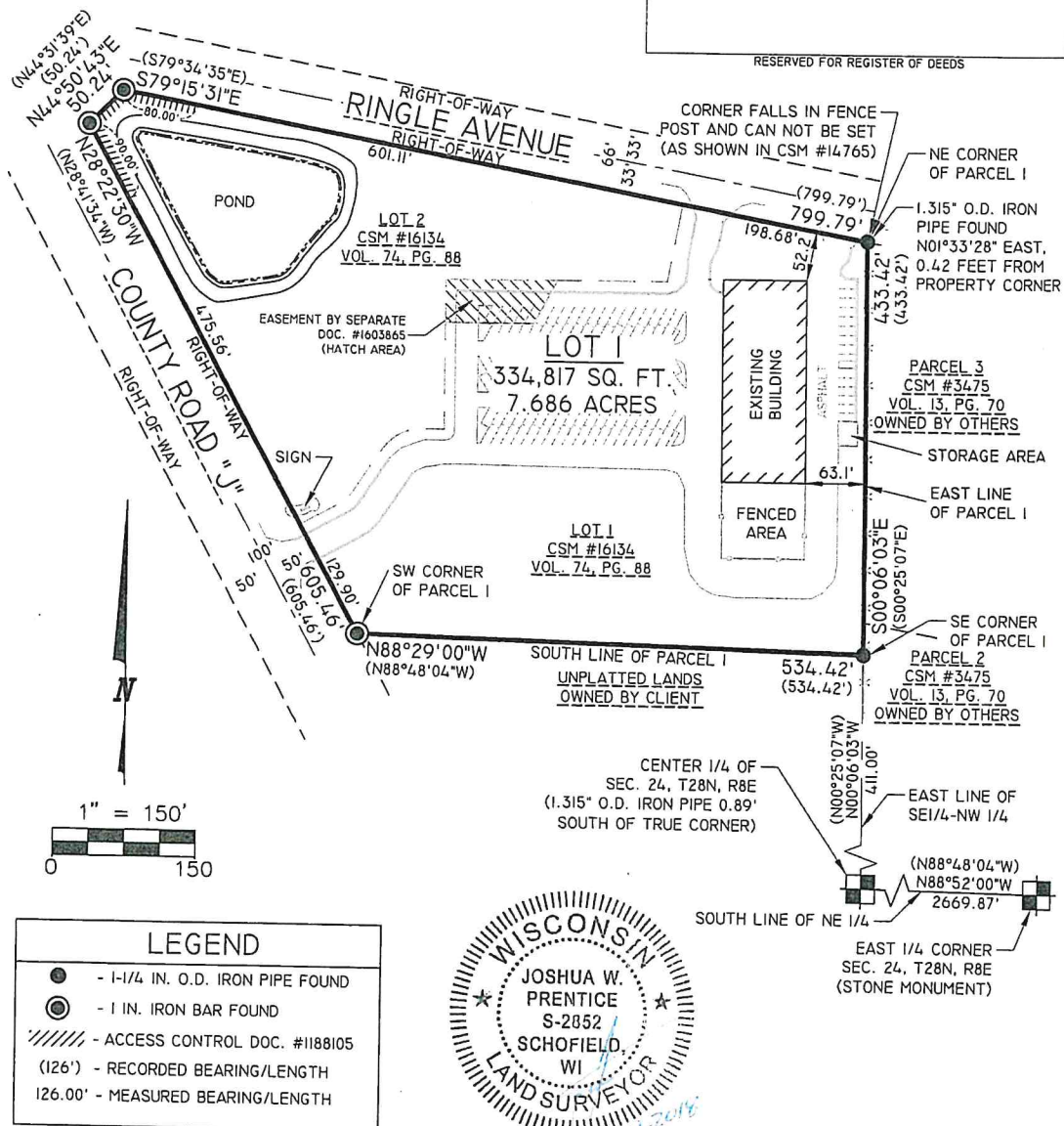
MARATHON COUNTY CERTIFIED SURVEY MAP

MAP NO. _____ VOLUME _____ PAGE _____

PREPARED FOR: HIGHLAND COMMUNITY CHURCH

LANDOWNER: PEOPLES STATE BANK
HIGHLAND COMMUNITY CHURCH

OF LOT 1 AND LOT 2 OF CERTIFIED SURVEY MAP NUMBER 16134, RECORDED IN VOLUME 74, ON PAGE 88, AS DOCUMENT NUMBER 1603397, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE; BEING LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 28 NORTH, RANGE 8 EAST, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.



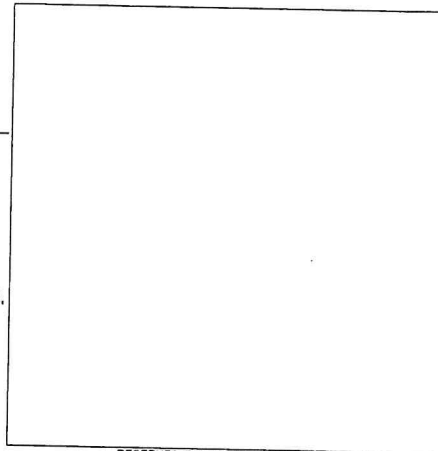
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RESERVED FOR REGISTER OF DEEDS

SURVEYOR'S CERTIFICATE

I, JOSHUA W. PRENTICE, WISCONSIN PROFESSIONAL LAND SURVEYOR S-2852, DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF: THAT I HAVE SURVEYED, MAPPED AND COMBINED OF LOT 1 AND LOT 2 OF CERTIFIED SURVEY MAP NUMBER 16134, RECORDED IN VOLUME 74 ON PAGE 88, AS DOCUMENT NUMBER 1603397, FILED IN THE MARATHON COUNTY REGISTER OF DEEDS OFFICE; BEING LOCATED IN THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 28 NORTH, RANGE 8 EAST, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.

THAT THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 334,817 SQUARE FEET, 7.686 ACRES, MORE OR LESS.

THAT I HAVE MADE THIS SURVEY, DIVISION AND MAP THEREOF AT THE DIRECTION OF HIGHLAND COMMUNITY CHURCH, AGENT OF SAID LOTS.

THAT SAID LOT IS SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHT-OF-WAYS OF RECORD.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF SECTION 236.34 OF THE WISCONSIN STATUTES AND THE SUBDIVISION ORDINANCES OF THE VILLAGE OF WESTON.

THAT THIS MAP IS A CORRECT AND ACCURATE REPRESENTATION OF THE EXTERIOR BOUNDARIES OF SAID LOT, AND OF THE DIVISION THEREOF MADE.

DATED THIS 1ST DAY OF JUNE 2018

REI
JOSHUA W. PRENTICE
WI P.L.S. S-2852



APPROVED FOR RECORDING UNDER THE TERMS OF THE VILLAGE OF WESTON LAND DIVISION REGULATIONS.

BY: _____

DATE: _____
VILLAGE OF WESTON ZONING DEPARTMENT

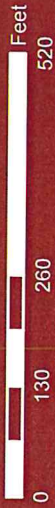


Village of Weston Marathon County, WI

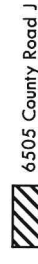
OFFICIAL ZONING MAP



Map Date: 6/27/2018
Adoption Date: 4/18/2018



LEGEND



6505 County Road J

MUNICIPAL FEATURES



Village of Weston Incorporated Boundary



Right-of-Way



Wetland Presence

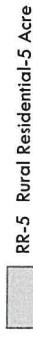


Surface Water

ZONING DISTRICTS



PR Parks and Recreation



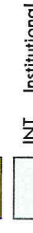
RR-5 Rural Residential-5 Acre



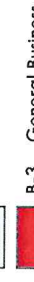
SF-L Single Family Residential-Large Lot



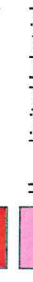
SF-S Single Family Residential-Small Lot



INT Institutional



B-3 General Business

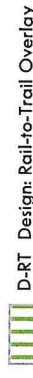


U Limited Industrial



GI General Industrial

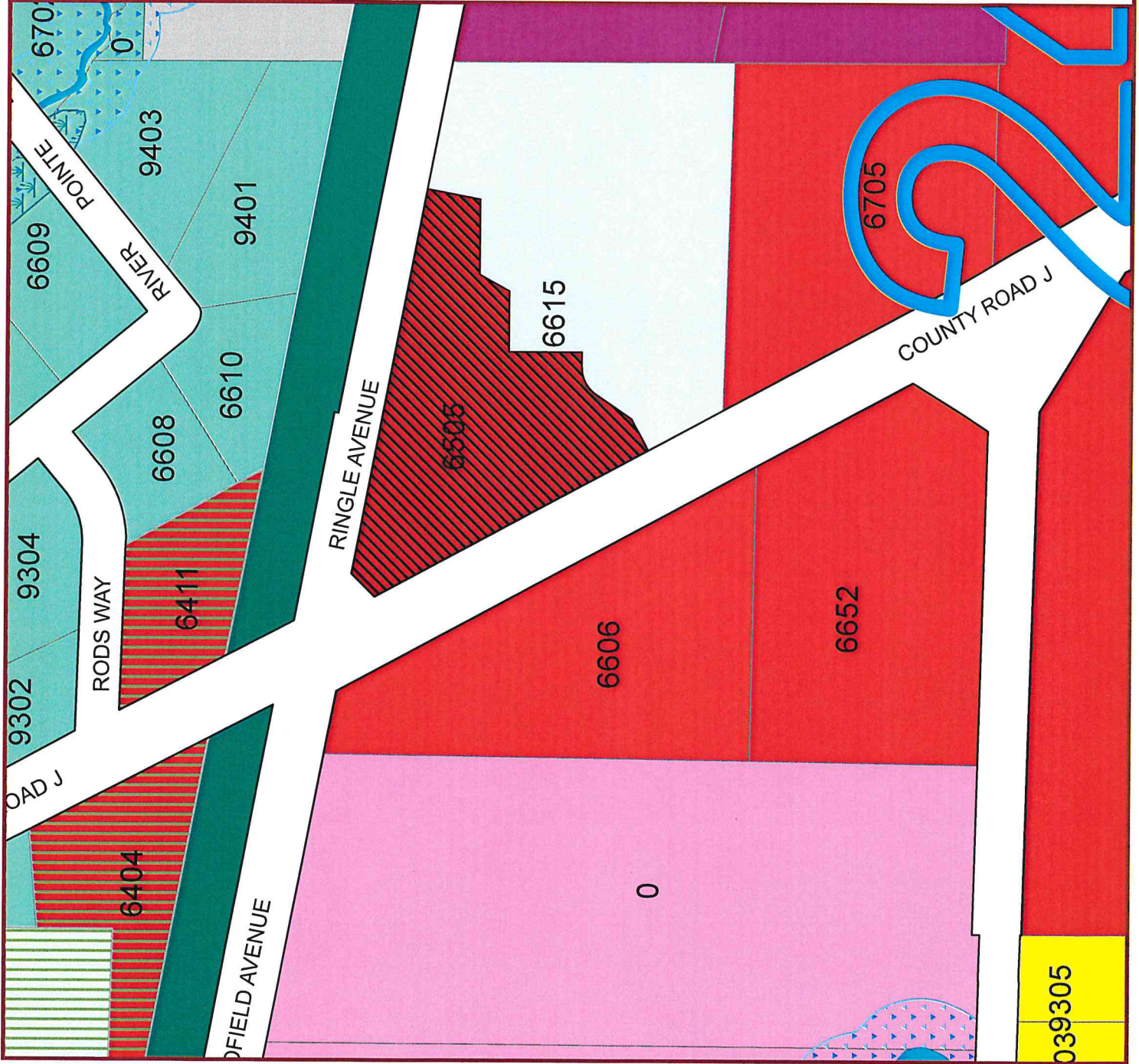
OVERLAY ZONING DISTRICTS



D-RT Design: Rail-to-Trail Overlay



Village of Weston Shoreland Overlay





Application for Rezone
**REZONE DETERMINATION BY THE VILLAGE OF WESTON
PLAN COMMISSION**

Application/Petition No.: **REZN-6-18-1696** Hearing Date: **July 9, 2018**
Applicant: **Dan MacDonald, Highland Community Church, 1005 North 28th Avenue, Wausau, WI 54401**
Location: **6505 County Road J, Weston, WI 54476**
Description: **Lot 2 of Certified Survey Map No. 16134 as filed with the Office of the Register of Deeds of Marathon County, Wisconsin, in Volume 74 of Surveys on Page 88 as Document No. 1603397; being part of the southeast quarter of the northwest quarter of Section 24, Township 28 North, Range 8 East, Village of Weston, Marathon County, Wisconsin.**

The Department of Planning and Development of the Village of Weston, pursuant to the Village of Weston Zoning Code, Article 16 Processes, Section 94.16.03 Amendments to the Official Zoning Map (Rezoning), hereby makes the following findings and evaluation to the Village of Weston Plan Commission:

GENERAL INFORMATION:

Current Zoning: **B-3 General Business**
Definition: 94.2.02(3)(d) The B-3 district accommodates a wide range of commercial uses, along with compatible wholesale, light industrial, and outdoor storage and display uses. Development within this district is served by public sanitary sewer and water services. This district is intended for mapping (i) along major highway corridors; (ii) outside of the Village's neighborhood areas; and (iii) in areas planned for commercial uses, and occasionally in areas planned for industrial uses, within the Comprehensive Plan.

Proposed Zoning **INT Institutional**
Definition: 94.2.02(3)(a) The INT district enables a range of public, semi-public, educational, religious, and other "gathering" type uses generally intended for non-commercial purposes, subject to performance standards to ensure compatibility between institutional uses and surrounding uses, zoning districts, and infrastructure. Development within this district is generally served by public sanitary sewer and water services, and roadways with an urban cross section (e.g., curbs, storm sewer). The INT district is intended for areas planned for public/quasi-public uses within the Comprehensive Plan, and for other non-residential, non-agricultural use.

Future Land Use: **Commercial**
FLU Description: Retail, commercial service, restaurant, and office uses, all served by public sanitary sewer and water services. Where along major highway corridors or outside of the Village's neighborhood areas, the scale and range of uses may expand, including lodging, large-scale retail, wholesaling, and outdoor display land uses.

Development Policies:

1. **Meet associated non-residential building and site design standards per zoning ordinance, including any overlay district requirements.**
2. **Time rezoning to when public utilities are available, and a development proposal is made.**
3. **Assure that development provides access and an attractive rear yard appearance to development behind it.**
4. **Require developments to address traffic, environmental, and neighborhood impacts.**

Typical Implemented Zoning Districts:

- Where adjacent to residential development and/or away from major highways, B-1 Neighborhood Business or parts of N Neighborhood district
- Where along major highways or outside of the village's neighborhood areas, B-2 Highway Business and B-3 General Business

1. Is the proposed rezoning consistent with the Comprehensive Plan, as is required by Wisconsin Statutes?

No, the property is shown as future commercial, which does not include institutional zoning district as its not listed under the typical zoning districts that would be rezoned to.

2. Does the rezoning further the purpose and intent of this Chapter?

Yes.

3. Does rezoning address any of the following that are not properly addressed on the current Official Zoning Map?

1. A mistake was made in mapping on the Official Zoning Map. That is, an area is or has developed in a manner and purpose different from that for which it is mapped. If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the Village may intend to stop an undesirable land use pattern from being perpetuated.
2. **Factors have changed, such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes, making the subject property more appropriate for a different zoning district.**
3. Growth patterns or rates have changed, thereby creating the need for a rezoning.

Yes, there was a new zoning district created due to the unique land use activities that are occurring within that area of the Village. At the time the district was created and the zoning districts implemented, the property did not meet the minimum lot size and was not able to be combined since the parcels were not under the same ownership.

4. Does the proposed zoning district maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

No, the future land use map indicates the property as future commercial. The intent of the owner of the property is to have the property remain idle with no further development proposed at this time.

BACKGROUND INFORMATION:

Highland Community Church has recently purchased the above stated property, which is adjacent to their property at 6615 County Road J. The purpose of the request to rezone the property is so they the Church may combine the properties. The properties cannot be combined until the lot is rezoned to INT.

CURRENT PROPERTY CONDITIONS:

PLAN COMMISSION ACTION OPTIONS: (Process is outlined in Sec. 94.16.03(6))

- 1) **RECOMMEND APPROVAL:** Plan Commission recommends approval of the rezone request and forwards the recommendation on to the Village Board on 7/16/18 meeting agenda.
- 2) **RECOMMEND DENIAL:** Plan Commission recommends denial of the rezone request and forwards the recommendation on to the Village Board on 7/16/18 meeting agenda.
- 3) **NO RECOMMENDATION:** Plan Commission takes no action and the request moves on to the Village Board on 7/16/18 meeting agenda.

ACTION:

Plan Commission Determination on 7/09/18:

RECOMMEND APPROVAL

VILLAGE BOARD POLICY CHOICES: (Process is outlined in Sec. 94.16.03(8))

- 1) Board approves the rezone request per the PC recommendation by adopting Ord. No. 18-019 as written.
(simple majority required)
- 2) Board approves the rezone request with modifications to Ord. No. 18-019. – Sec. 94.16.03(8)(b) Requires affirmative vote of $\frac{3}{4}$ or greater of the full Village Board.
- 3) Board denies the rezone request. – Sec. 94.16.03(8)(b) Requires affirmative vote of $\frac{3}{4}$ or greater of the full Village Board.

Board of Trustees Determination on 7/16/18:

Approve / Deny

REQUEST FOR CONSIDERATION

PUBLIC MTG/DATE:	BOARD OF TRUSTEES, JULY 16, 2018
DESCRIPTION:	<u>ORD No. 18-019</u> : AN ORDINANCE TO APPROVE THE REZONING OF 3.063 ACRES OF LAND FROM B-3 GENERAL BUSINESS TO INT INSTITUTIONAL; LOCATED ON THE SOUTHWEST CORNER OF COUNTY ROAD J AND RINGLE AVENUE, VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN.
FROM:	JENNIFER HIGGINS, DIRECTOR OF PLANNING AND DEVELOPMENT / ZONING ADMINISTRATOR
QUESTION:	SHOULD THE BOARD OF TRUSTEES APPROVE OF THE REZONE REQUEST APPLICATION AS RECOMMENDED BY THE PLAN COMMISSION TO ADOPT THE AMENDMENT TO THE OFFICIAL ZONING MAP VIA ORDINANCE No. 18-019 (DRAFT ATTACHED)?

BACKGROUND

HIGHLAND COMMUNITY CHURCH HAS RECENTLY PURCHASED THE ABOVE STATED PROPERTY, WHICH IS ADJACENT TO THEIR PROPERTY AT 6615 COUNTY ROAD J. THE PURPOSE OF THE REQUEST TO REZONE THE PROPERTY IS SO THEY THE CHURCH MAY COMBINE THE PROPERTIES. THE PROPERTIES CANNOT BE COMBINED UNTIL THE LOT IS REZONED TO INT.

ATTACHED DOCS:	DETERMINATION BY PLAN COMMISSION, DRAFT ORDINANCE 18-019, PRELIMINARY CERTIFIED SURVEY MAP AND CURRENT ZONING MAP
COMMITTEE ACTION:	RECOMMENDED BY PLAN COMMISSION ON 7/9/2018
FISCAL IMPACT:	NONE
RECOMMENDATION:	ZONING ADMINISTRATOR RECOMMENDS APPROVAL

RECOMMENDED LANGUAGE FOR OFFICIAL ACTION

I MOVE TO APPROVE THE ORDINANCE 18-019, REZONING OF 3.063 ACRES OF LAND FROM B-3 GENERAL BUSINESS TO INT INSTITUTIONAL (REZN-6-18-1696) AS RECOMMENDED BY THE PLAN COMMISSION.

ADDITIONAL ACTION:	SEND THE ORDINANCE TO THE WAUSAU DAILY HERALD FOR PUBLICATION (STAFF).
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